



Board of Adjustment Case Report

City of Raleigh
Planning & Development Department
One Exchange Plaza
Raleigh, NC 27601
(919) 996-2475
www.raleighnc.gov

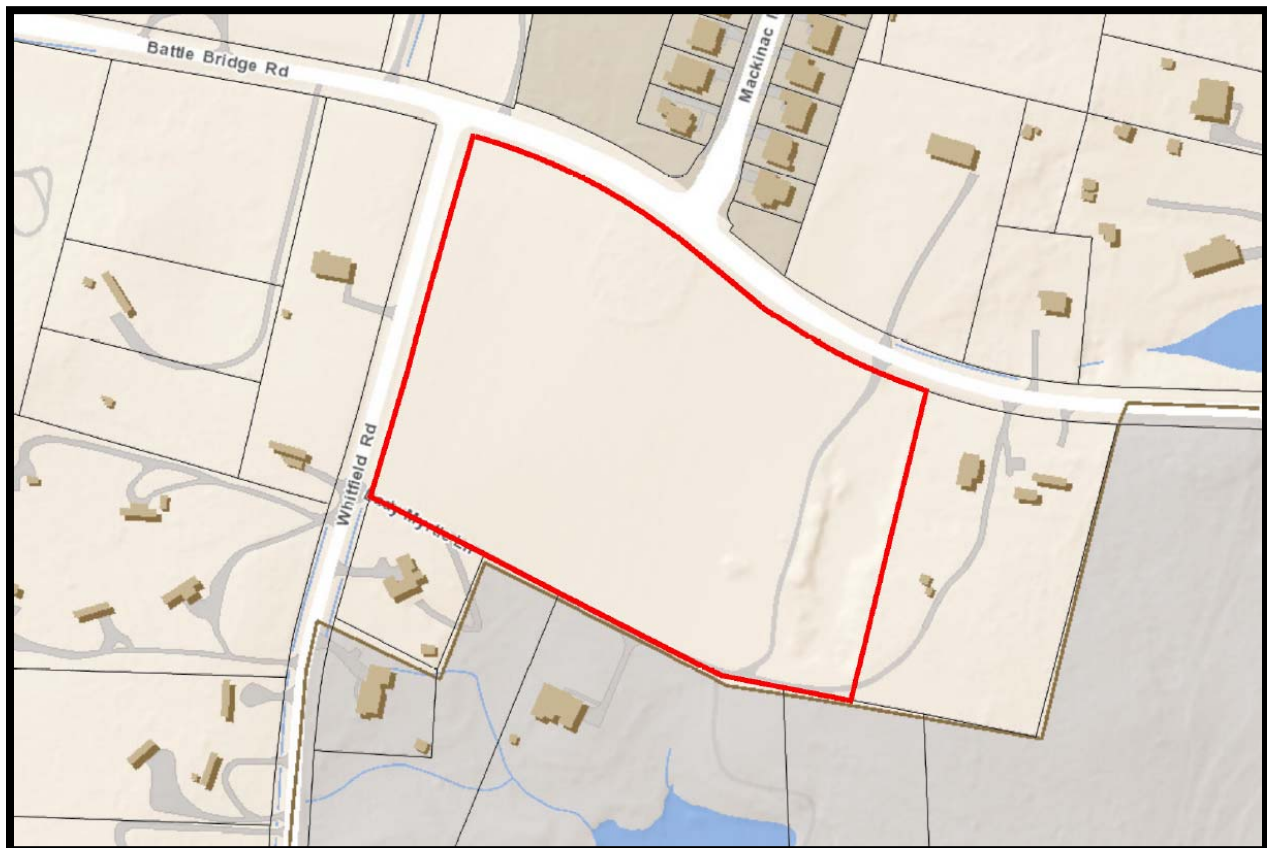
Case File: A-24-17

Property Address: 4215 Whitfield Road

Property Owner: Jerry Gower Construction Company

Project Contact: Isabel Mattox

Nature of Case: Request for a special use permit to establish a Day Care Center with up to 250 enrollees pursuant to Section 6.4.1.C. and 10.2.9. of the Unified Development Ordinance on a 5.69 acre parcel zoned Residential-6 Conditional use and located at 4215 Whitfield Road.



4215 Whitfield Road – Location Map

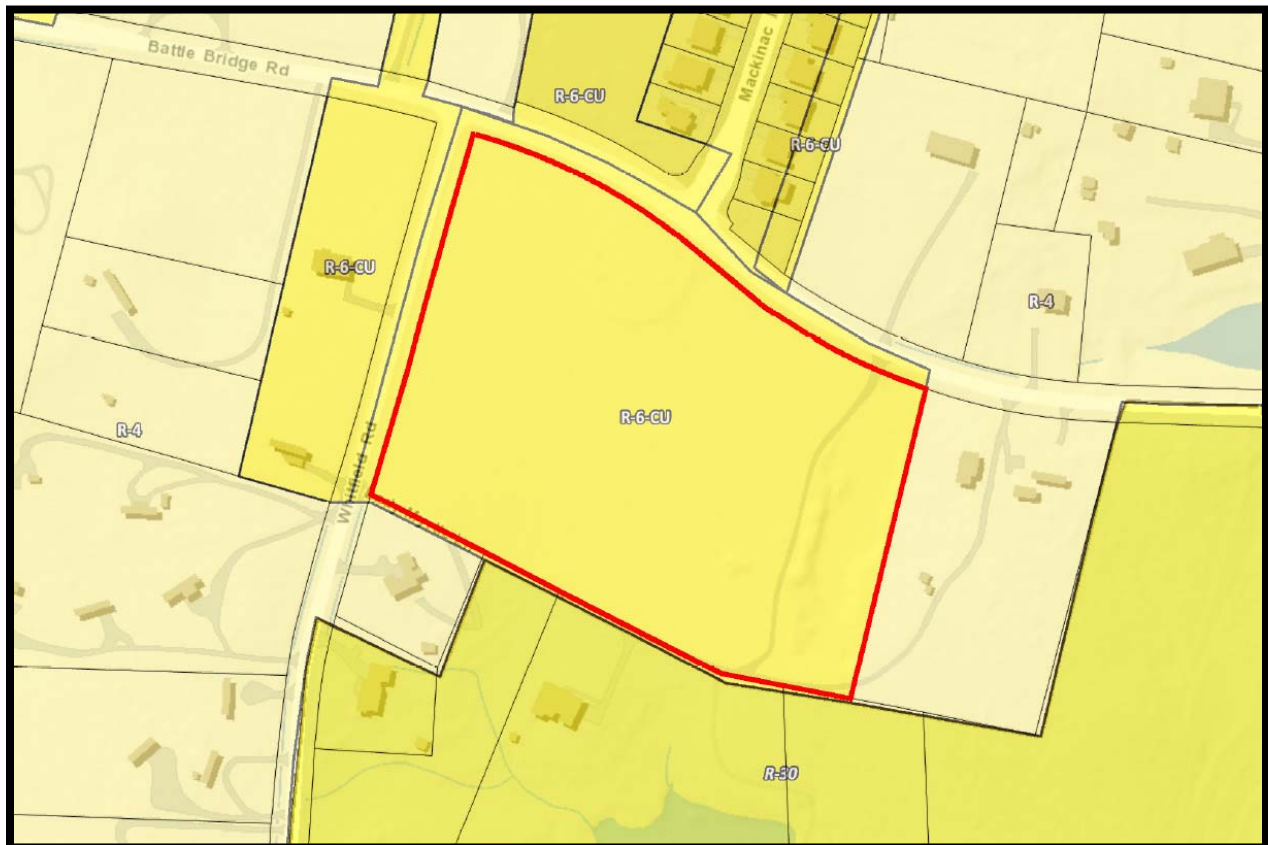
**ADDITIONAL
NOTES:** None

**PREVIOUS
VARIANCES:** None

To BOA: 2-13-17

Staff Coordinator: Eric S. Hodge, AICP

Zoning District: Residential-6



4215 Whitfield Road – Zoning Map

SHOWINGS: In accordance with UDO §10.2.9 Special Use Permit, before a Special Use Permit request is granted, the Board of Adjustment shall show that all of the following are met:

1. The proposed use complies with all applicable provisions of this UDO unless otherwise expressly modified in accordance with this UDO;

2. The proposed use is allowed as a special use in the respective zoning district (see Chapter 6. Use Regulations);
3. The proposed use complies with any specific use standard listed in Chapter 6. Use Regulations without the granting of any variance to the specific use standard;
4. The proposed use is compatible with adjacent uses in terms of location, scale, site design, hours of operation and operating characteristics;
5. Any adverse impacts resulting from the proposed use in the affected area will be effectively mitigated or offset or the special use is denied;
6. Access with respect to pedestrian, bicycle and automotive safety, traffic flow and emergency service is adequate;
7. Signage is suitable and appropriate; and
8. Any appropriate dedications of streets and utilities to the public will be made prior to the issuance of a building permit.

Sec. 6.4.1.c. C. Day Care Center

1. Defined

A day care for more than 8 persons where staffing complies with state and local regulations. Includes nursery school and preschool.

2. Use Standards

a. In a Residential District, the following minimum lot areas per enrollee apply:

- i. R-1, R-2, and R-4: 1,040 square feet; (*Staff note: the zoning conditions on site place a stricter limit of 250 enrollees*)
- ii. R-6: 640 square feet; and
- iii. R-10: 240 square feet.

b. In a Residential District, 1 unlit announcement sign is allowed, not to exceed 2 square feet in area and 3½ feet in height.

c. In a Residential District, a Type A1 or A2 transitional protective yard (see Sec. 7.2.4.A.) must be established along any side of the property abutting a residential use.

Staff note: The applicant will need to submit plans or testimony showing their intent to install the requisite landscaping fencing and/or walls consistent with this requirement. If the Board approves the Special Use Permit, the applicants must submit more detailed plans for permitting and installation prior to beginning operation of the daycare.

d. In a Residential District, a Type C2 street protective yard (see Sec. 7.2.4. B.) must be established along all property lines abutting a public right-of-way.

Staff note: The applicant will need to submit plans or testimony showing their intent to install the requisite landscaping fencing and/or walls consistent with this requirement. If the Board approves the Special Use Permit, the applicants must submit more detailed plans for permitting and installation prior to beginning operation of the daycare.

e. Must comply with all state and local standards.

Sec. 7.2.4. Protective Yards

A. Transitional Protective Yards

1. A transitional protective yard is required along perimeter lot lines:

- a. For specific uses as set forth in Chapter 6. Use Regulations (type as specified); and
- b. Where an IH District abuts any other district other than an IH District a Type B1 or B2 transitional protective yard must be installed.

Type A1: 6.5' wall, 6' wide yard, 4 shade trees spaced over every 100' linear feet.

Type A2: 6.5' fence, 10' wide yard, 4 shade trees and 4 understory tree spaced over every 100' linear feet.

B. Street Protective Yard

1. A street protective yard is required along the edge of the street right-of-way:

- a. For specific uses as set forth in Chapter 6. Use Regulations (type as specified); and
- b. Where an IH District is across the street from any other district other than an IH District, a Type C1 or C2 street protective yard must be installed.

2. A required street protective yard may be replaced with a tree conservation area that meets the requirements of Article 9.1. Tree Conservation

3. The protective yards in Special Highway Overlay Districts 1 and 2 (Sec. 5.3.1. D.) take the place of any street protective yard required in Sec. 7.2.4.B.

Type C2: 15' wide yard, 4 shade trees spaced over every 100' of street right of way & 15 shrubs spaced over every 100' of street right of way.

Special Use Permit Application



RALEIGH For Submittal
DEPARTMENT OF
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

Nature of request (Submit addendum on separate sheet, if more space is needed.) Jerry Gower Construction, Inc., property owner, requests a special use permit pursuant to Sections 6.4.1.C. and 10.2.9. of the Unified Development Ordinance and in accordance with conditions of approval for zoning case Z-3-10 in order to allow a Day Care Center with up to 250 students on a 5.69 acre site zoned Residential-6-CU and located at 4215 Whitfield Road.	OFFICE USE ONLY Transaction Number A-24-17
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. If this property was the subject of a previous special use permit request, provide the case number. TRANSACTION NO: 481672	

GENERAL INFORMATION			
Property Address 4215 Whitfield Road		Date 01/12/2017	
Property PIN 1731-87-2621	Current Zoning R-6-CU		
Nearest Intersection Whitfield Rd & Battlebridge Rd	Property size (in acres) 5.69		
Property Owner Jerry Gower Construction Company	Phone (919) 365-9767	Fax N/A	
Owner's Mailing Address 7324 Siemens Road, Wendell, NC 27591			
Email gowerconst.jerry@yahoo.com			
Project Contact Person Isabel Mattox	Phone (919) 828-7171	Fax N/A	
Contact's Mailing Address Post Office Box 946; Raleigh, North Carolina 27602			
Email isabel@mattoxfirm.com			
Property Owner Signature <i>Jerry Gower</i>			
Notary Sworn and subscribed before me this <u>13</u> day of <u>January</u> , 20 <u>07</u>		Notary Signature and Seal <i>Kelly Panzi</i> 	

It is improper to contact any member of the Board of Adjustment prior to the disposition of a case to discuss the request. A Special Use Permit Application will not be considered complete until all required submittal components listed on the Special Use Permit Checklist have been received and approved.

RALEIGH, NC 27610

[illegible]

CIVIL ENGINEER
TIMMONS GROUP
5410 TRINITY ROAD, SUITE 102
RALEIGH, NC 27607
PATRICK BARBEAU, P.E.
PHONE: (919) 866-4512
TRICK.BARB@TIMMONSGROUP.COM



Sheet Number	Sheet Title
C-0	COVER SHEET
C-1	EXISTING CONDITIONS AND REMEDIATION PLAN
C-2	OVERALL SITE PLAN
C-3	PHASE ONE SITE PLAN
C-4	GOLDWATER AND WINTERWATER PLAN
C-5	SOILWATER TRANSPORTATION PLAN
C-6	OFF SITE UTILITY EXTENSION PLAN
C-7	PHASE TWO SITE PLAN
C-8	INTEGRATED PLAN
C-9	SITE DETAIL SHEET
C-10	FLOOR PLAN
C-11	ELEVATION PLAN
C-12	LOADING PLAN

PROJECT NOTES:

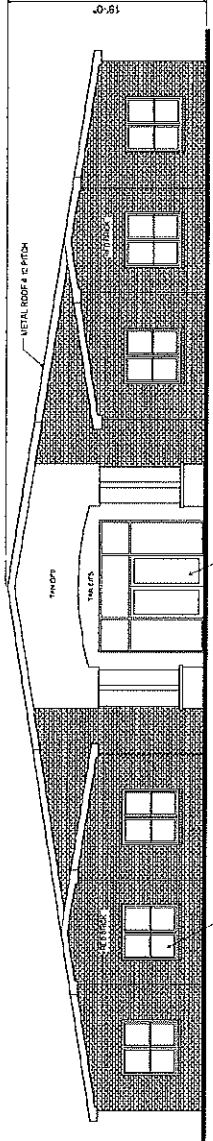
1. SUDO WASTEWATER FOR THIS COMMERCIAL DEVELOPMENT WILL BE ACCORDANCE WITH DISCHARGES PROVIDED BY A PRIVATE SOLID WASTE SERVICE IN ACCORDANCE WITH THE CITY OF CHICAGO'S SANITATION CODE.
2. CONSTRUCTION DRAWINGS FOR PUBLIC AND PRIVATE STREETS GRADUATES SHOWN ON THIS PLAN ARE REQUIRED AND MUST BE APPROVED BY THE PUBLIC WORKS DEPARTMENT TO GUARANTEE ANY PERMITS, OR RECORDING OF ANY PLAN FOR THIS DEVELOPMENT.
3. WITHIN THE SIGN TRIANGLES SHOWN ON THIS PLAN, NO OBSTRUCTION BETWEEN 2 FEET AND 4 FEET ABOVE THE ROAD SURFACE OR THE CURB SIDE ELEVATION MUST BE LOCATED IN ANY MANNER THAT OBSTRUCTS THE VIEW OF TRAFFIC PARTICIPATING IN ANY TURN.
4. ALL INSTALLATION AND MAINTENANCE REQUIREMENTS FOR STREET TREES CAN BE FOUND IN THE ILLINOIS TREE MAINTENANCE ACT (625 ILCS 10/1).

204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

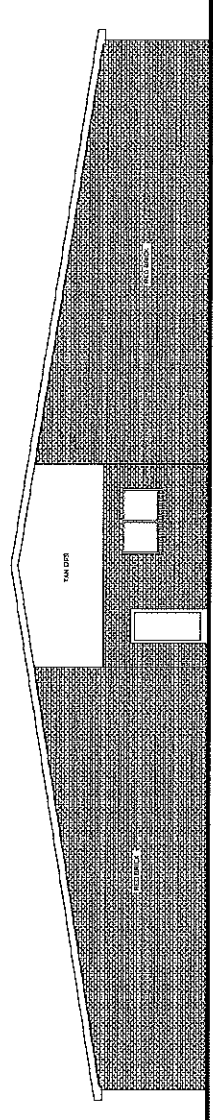
SUBDIVISION FILE NUMBER
S-16-12

PRELIMINARY - NOT RELEASED FOR CONSTRUCTION

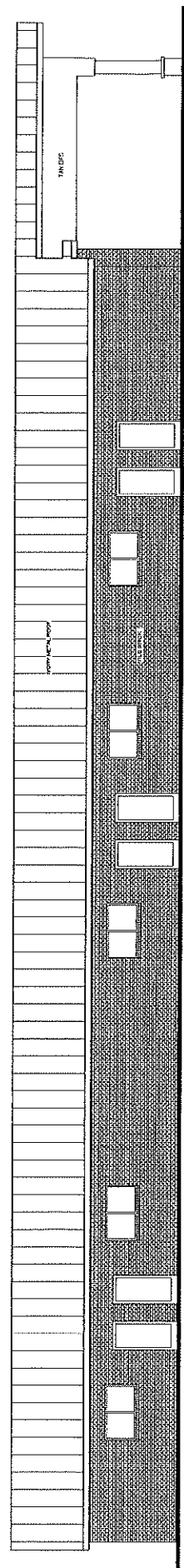
TIMMONS GROUP NORTH CAROLINA LICENSE NO. C-1652 37956 02/0		DATE OF 3/29/2017 147172/015		NAME OF GOWER DAYCARE WARE COUNTY, NORTH CAROLINA COVER SHEET	
THIS DAYCARE IS/ARE OPERATING 1800 WILSON ROAD, BOX 100, FARMERSVILLE, NC 27834 TEL: 919.562.0511 FAX: 919.562.0511 email: gowdaycare@gmail.com		DATE 3/29/2017		CITY OR POLITICAL JURISDICTION WARE COUNTY, NORTH CAROLINA	
FOR PRIVATE USE ONLY		DATE 3/29/2017		CITY OR POLITICAL JURISDICTION WARE COUNTY, NORTH CAROLINA	



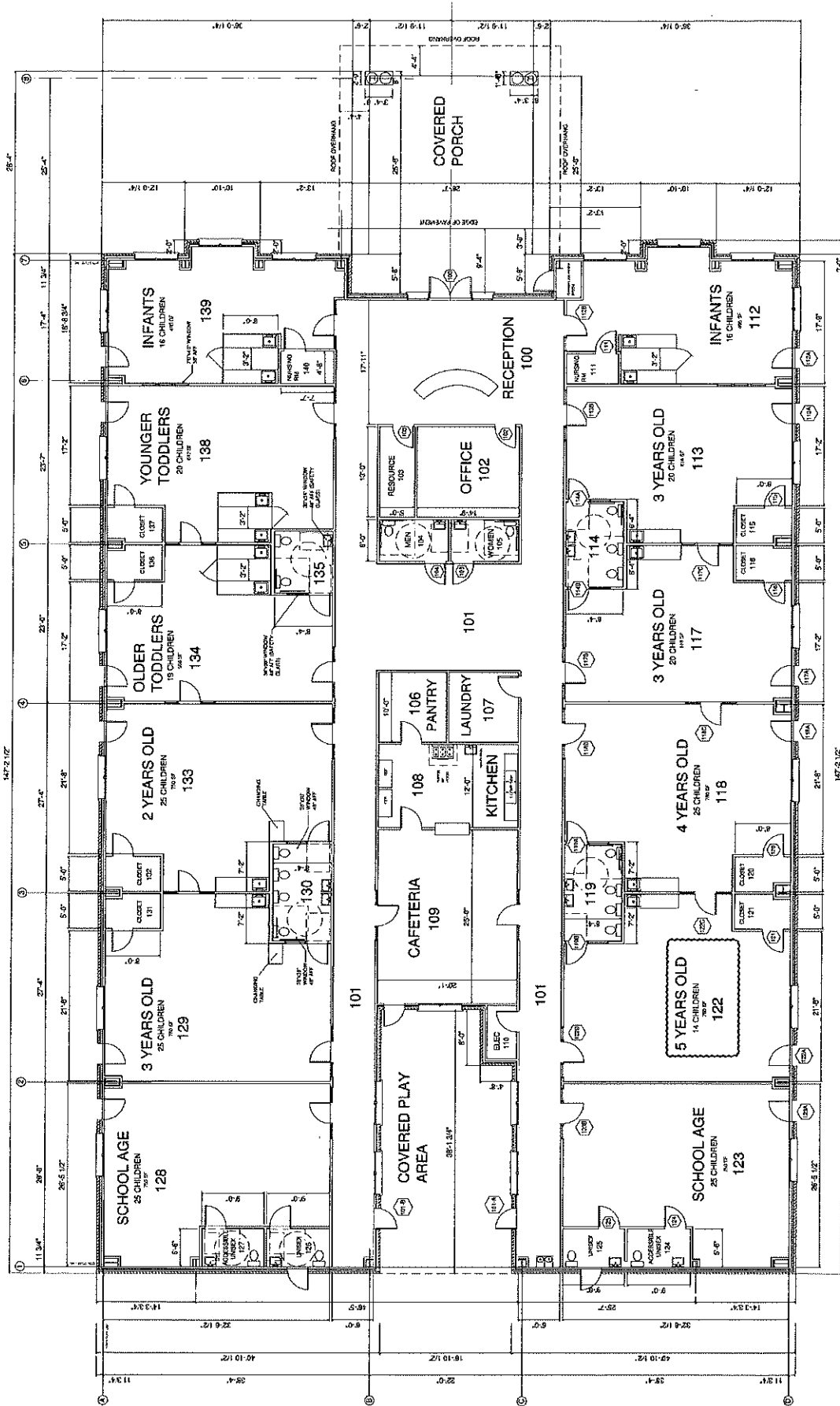
FRONT ELEVATION



REAR ELEVATION



LEFT ELEVATION



FLOOR PLAN 1/8"=1'-0"

TIMOTHY R POOLE, INGE S POOLE
1731768917
7017 LADY MYRTLE LN
RALEIGH NC 27610-6242

EASTERN STAR HOLINESS CHURCH OF OUR LORD JESUS CHR
1731777812
1412 POOLE RD
RALEIGH NC 27610-2655

CURTIS LEE SAPP, CAROLYN JONES SAPP
1731788277
6921 BATTLE BRIDGE RD
RALEIGH NC 27610-6215

TIMOTHY R POOLE & INGE S POOLE
1731872003
7017 LADY MYRTLE LN
RALEIGH NC 27610-6242

DIAZ, RAMON FERMIN
1731874926
4137 MACKINAC ISLAND LN
RALEIGH NC 27610-6200

CHARLES GORDON HEIRS POOLE
1731878727
JEANETTE HERRING POOLE EXC
7101 BATTLE BRIDGE RD
RALEIGH, NC 27610-6219

RAFAEL LAGUNAS
1731883105
4128 MACKINAC ISLAND LN
RALEIGH NC 27610-6259

HUBERT L LEE, BONNIE Y LEE
1731773396
2236 SHOTWELL RD
CLAYTON NC 27520-8223

BARBARA P CASON, CHRISTOPHER B CASON
1731778332
4301 WHITFIELD RD
RALEIGH NC 27610-6231

SCOTT MCNAMEE, DIANE MCNAMMEE
1731789299
6925 BATTLE BRIDGE RD
RALEIGH NC 27610-6215

JERRY GOWER CONSTRUCTION CO INC
1731872621
7324 SIEMENS RD
WENDELL NC 27591-8315

JEANETTE H POOLE
1731876923
7101 BATTLE BRIDGE RD
RALEIGH NC 27610-6219

JERRY GOWER CONSTRUCTION CO INC
1731881266
4814 OLD FAISON RD
KNIGHTDALE NC 27545-9188

GLENDORA T ALSTON
1731884043
4133 MACKINAC ISLAND LN
RALEIGH NC 27610-6200

STEVEN C EMMONS, ROSEMARIE EMMONS
1731777183
4317 WHITFIELD RD
RALEIGH NC 27610-6231

REVOCABLE LIVING TRUST OF PAMELA BRANDON LUTHER
1731786306
6909 BATTLE BRIDGE RD
RALEIGH NC 27610-6215

ROYELLE O MANGUM, JEWEL P MANGUM
1731865702
8737 WHITE OAK RD
GARNER NC 27529-9463

BATTLE RIDGE HOMEOWNERS ASSOC INC
1731874901
C/O SENTRY MGMNT INC
2180 W SR 434 STE 5000
LONGWOOD, FLORIDIA 32779-5042

TIMOTHY T WILLIAMS, TAMMY J WILLIAMS
1731877347
7116 BATTLE BRIDGE RD
RALEIGH NC 27610-6220

LATOYA K DUNCAN
1731882099
4132 MACKINAC ISLAND LN
RALEIGH NC 27610-6259

JAMES R FARMER
1731960845
500 BENSON RD
GARNER NC 27529-3947